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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,926	03/02/2004	James B. Carpenter	58973US003	1439
32692	7590	11/18/2005	EXAMINER CHIEM, DINH D	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			ART UNIT 2883	PAPER NUMBER

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,926

Applicant(s)

CARPENTER, JAMES B.

Examiner

Erin D. Chiem

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/29/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the amendment filed on September 8, 2005. Claims 1-9 are pending and independent claims 1 and 4 have been amended. In view of the amendment, new grounds of rejections are made to claims 1-3 and 4-9.

Information Disclosure Statement

Only the newly cited reference will be listed in the IDS of this office action .

Drawings

The objection made to the drawings is now withdrawn in view of the amended figures.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

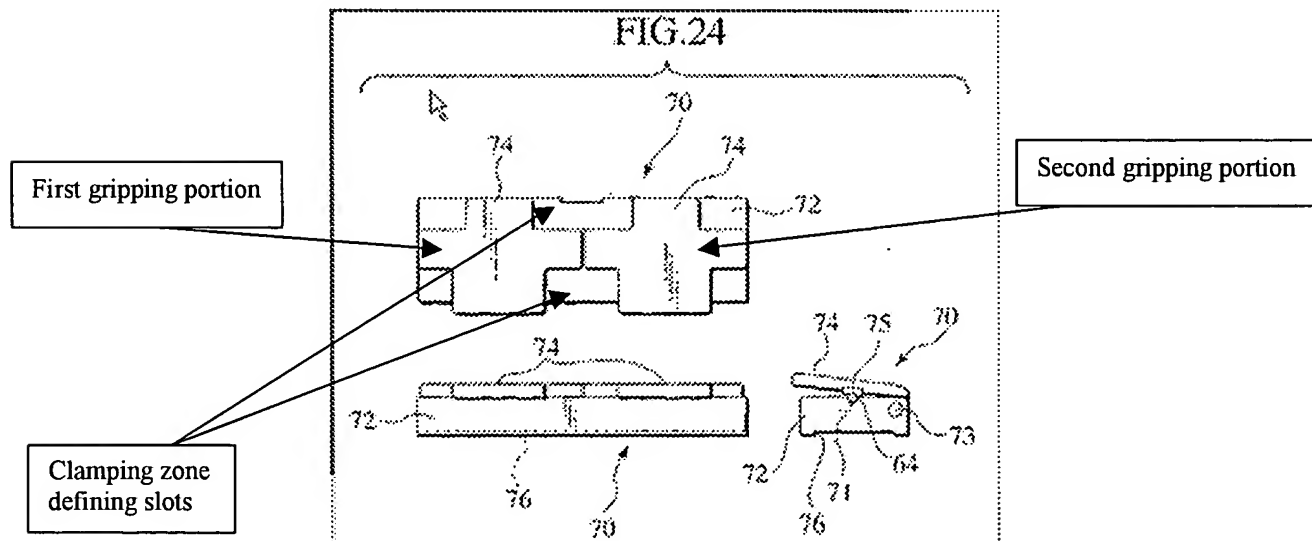
Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujisawa et al. (US Application 2003/0123836 A1 Fujisawa hereinafter). In disclosing the known gripping device in the industry, Fujisawa teaches in Figure 24 a gripping device comprising a sheet of material (74) having first and second members hingedly attached (73) at a first end of each of the members; and a gripping region that includes first and second gripping portions of each of said

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members, wherein the sheet of material (74) further comprises at least one slot oriented transverse to a direction of a length of said gripping region to define separate clamping zones along the length of the gripping region.

Regarding claim 2,

wherein the a first clamping zone imparts a first amount of stress to a fiber inserted in said gripping region, and a second clamping zone imparts a second amount of stress to the fiber, said first amount different from said second amount



is in the nature of Fujisawa's device. In the two possible positions that the clamp may exist (e.g. either one of the clamping region is closed and opened) imparts different amount of stress to a fiber.

Regarding claim 3, Figure 24 teaches two slots formed by cut through the first member at a first location and a second location.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-9 are- rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson (5,102,212) in view of Fujisawa.

Patterson teaches a device used for butt splicing optical fibers. Patterson teaches various embodiment of splicing device and one embodiment is shown in Fig. 11-16 read upon the limitations of claims 4-9. Referring to Fig. 11 and 13, sheet (82, 88) is hingedly connected by the folding 73(). The gripping portions including the concave recesses (80, 81) on the two distal ends of the v-groove (76) and also include the recesses (94, 95) on the distal ends of the supporting surfaces of 84-86. From Applicant's Fig. 11A, the buffer zone is defined as the portion on one side of the slot, and from the Specification the "buffer clamping zone" is an area wherein the clamping pressure is applied onto the portion of the fiber where there is a buffer coating. Therefore, the portions 90, 91 can be read upon as a region wherein the clamping is performed on the buffer coating of the fiber, the buffer clamping zone is dependent on the inserting end of the fiber. Since the slots define the clamping zones, then one of ordinary skill would recognize that different clamping pressure could be applied on different zones. As seen in Fig. 16, the gripping region comprises of semicircular shapes 84, 85 located at two different regions.

However, Patterson does not teach a slot formed on the sheet of material oriented transverse to a direction of a length of the gripping region to define separate clamping zones.

Fujisawa teaches in Figure 24 a gripping device comprising a sheet of material (74) having first and second members hingedly attached (73) at a first end of each of the members; and a gripping region that includes first and second gripping portions of each of said members, wherein the sheet of material (74) further comprises at least one slot oriented transverse to a direction of a length of said gripping region to define separate clamping zones along the length of the gripping region. The purpose of forming clamping regions is for the convenience of the technician in handling a fine fiber without damaging the glass fiber with the natural impurities on the technician's hand (i.e., naturally produced oil on the hands).

Since Patterson and Fujisawa are all from the same field of endeavor, the purpose teaches by Fujisawa would have been recognized in the pertinent art of Patterson.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to manufacture a clamping device with the clamping sheet wherein the clamping sheet forms two different clamping zones separated by the slots formed in the middle of the sheet. **The motivation** for forming two separate clamping zones for a gripping device is to provide an easy fiber handling means for the technician during a splicing process. A single fiber is very fine, it would be very easy to break the glass fiber when handled between the fingers and furthermore, by handling the bare fiber with one's fingers, one may damage the light guiding properties of the fiber by transferring impurities from the hand onto the fiber. Thus, when a fiber-gripping device may be closed at one region, the technician then may handle the fiber by holding the gripping device that is safely secured within the v-groove and the gripping sheet.

Response to Arguments

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

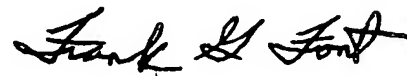
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erin D. Chiem whose telephone number is (571) 272-3102. The examiner can normally be reached on Monday - Thursday 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Erin D Chiem
Examiner
Art Unit 2883



Frank G. Font
Supervisory Primary Examiner
Technology Center 2800